S.B.Civil Misc. Transfer Petition No.39/2007

Prem Sagar Sharda.

vs.

Vakil Chand.

Date : 28.5.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.VK Bhadu, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner's apprehension is that the respondent's sister and sister's husband are advocates and practicing in Sri Ganganagar and, therefore, the petitioner has doubt that he will not get fair opportunity in the suit.

Learned counsel for the petitioner vehemently submitted that he had lodged F.I.R. against the respondent's sister and sister's husband and one other person. It is also submitted that in fact, the respondent's sister and sister's husband, referred above, were advocates of the petitioner in one case and by taking advantage of that situation, they obtained certain signatures of the petitioner on some documents

and thereafter, filed the present suit.

The petitioner's contention is only that because of the reason that the respondent's sister and sister's husband are advocates, the Judicial Officer may not decide the suit in accordance with law or fairly. The impression of the petitioner in the light of the facts mentioned in the transfer petition are not based on any cogent reason. Merely because of the reason that the respondent's sister and sister's husband are advocates practicing in the same district and in the court where the suit is pending, that itself cannot be a ground for seeking transfer of the case.

The allegation in fact is more against ability and integrity of the Judicial Officer by such submission because of the fact that two are advocates, the judicial officer will feel inclined towards them. In view of the above, I do not find any reason to transfer the case.

Consequently, this transfer petition, having no merits, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya